

REMARKS

Claims 43-45, 47 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Schroepel (US 4,543,955). Schroepel discloses a system having a rate-responsive sensor assembly (175) separate from a pacing device (144). As shown in Fig. 4, the sensor assembly includes a pacing lead (182). Data concerning sensed patient activity is provided from the sensor assembly to the pacing device, which data serves as a basis for the pacing device to adjust its pacing rate (escape interval) and A-V delay operating parameters. The sensor assembly does not provide data for initially configuring the pacing device to be compatible with the sensor assembly.

Claim 43 has been amended for purposes of clarity to highlight that initial configuration of the second IMD based on data descriptive of the first IMD is made to provide for compatible operation of the two IMDs in the medical system. In Schroepel, the pacing device is configured based upon its manufacture and prior to being coupled to the sensor assembly to be compatible with the sensor assembly. The pacing device is not configured for compatible operation with the sensor assembly based upon data being transmitted from the sensor assembly.

Schroepel does not anticipate claim 43 or the claims dependent thereon. The rejection should be withdrawn.

Claims 43-48 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Schulman et al. (US 6,208,894). Schulman discloses use of a system control unit (SCU) for wireless communication with several devices implanted in a patient's body. The SCU receives data signals from the implanted devices and remotely configures them for operation. Schulman contemplates that the SCU will periodically interrogate a sensor and transmit commands to an implanted device to adjust its operating parameters. The Schulman system operates on the basis of a "closed loop" feedback control. That is, the sensor data is routed through the SCU to an implanted device. The operating

parameters of the implanted device are adjusted, which results in a change in the sensor data.

Schulman is similar to Schroepel in that Schulman merely discloses an implanted sensor (first IMD) separate from the implanted stimulator (second IMD). However, whereas Schroepel uses a “hard-wired” transfer of sensor data to the pacing device, Schulman uses a “wire-less” transfer of sensor data routed through the SCU to the stimulator.

The office action points to the description in Schulman of identification code (ID) specified for each implanted device. The office action then appears to extrapolate this fact to a contention that one of the implanted devices is configured for initial operation based on such ID information concerning another one of the implanted devices. See pages 2-3. Explicit in the contention is that an ID code is “descriptive” of an implanted device. However, nowhere in Schulman is there any indication that the ID code is used to describe the device. Rather, the specification is clear that the ID code is nothing more than an address. As stated in the cited passage relied upon by the examiner (col. 4, lines 40-44), the ID code is provided “[i]n order to distinguish each implanted device over the communication channel....” This fact is restated in Schulman at col. 8, lines 6-29 (the devices are “preconfigured with an address (ID)”) and col. 8, lines 48-56 (a device responds “as if the message was directed to its identification address 108”).

There is no support whatsoever for the contention that Schulman discloses use of a first implanted device address ID to configure a second implanted device for compatible operation with the first implanted device. Accordingly, the anticipation rejection based on Schulman is without basis and should be withdrawn.

Claims 49-51 were rejected under 35 U.S.C. 103(a) as being obvious over Schulman. The rejection is premised on Schulman providing all the limitations of claim 43. As discussed above, Schulman fails to do that. Accordingly, claims 49-51 cannot be rendered obvious from Schulman.

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Applicant respectfully submits that the claims are in proper form and condition for allowance, and requests that a notice of allowance issue in due course.

Respectfully submitted,

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Date

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